



#6

Docket No. TRADEMARK VISX-0001			
<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>			
IN RE APPLICATION OF: TELFAIR ET AL.		GAU:	SEE BELOW
SERIAL NO:	SEE LIST BELOW	SPE:	DVORAK, LINDA
FILING DATE:	SEE LIST BELOW		
FOR:			
<b>REVOCATION AND NEW POWER OF ATTORNEY</b>			
ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231			

RECEIVED  
FEB - 6 2002  
2100 MAIL ROOM

In the application serial numbers listed below, the undersigned representative of VISX, INCORPORATED, by owner by virtue of assignment of the below-identified applications, hereby revokes all prior powers of attorney and appoints the following attorneys as attorneys of record:

Richard A. Neifeld, Registration No. 35,299  
Freddie K. Park, Registration No. is 35,636.

08/549,385, filed 10/27/1995, now patent 5,782,822, issued 7/21/1998  
08/816,097, filed 3/14/1997  
08/854,565, filed 5/12/1997, now patent 6,090,102 issued 7/18/2000  
08/969,128, filed 11/11/1997  
09/001,976, filed 12/31/1997  
09/172,437, filed 10/14/1998  
09/307,988, filed 05/10/1999  
09/554,371, filed May 11, 2000

Direct all correspondence to:

Neifeld IP Law, PC  
Suite 1001  
2001 Jefferson Davis Highway  
Arlington, VA 22202  
Tel: 703-415-0012  
Fax: 703-415-0013  
Email: [general@neifeld.com](mailto:general@neifeld.com)

**CERTIFICATION UNDER 37 C.F.R. 3.73(b)**

I, the undersigned, certify that I am an individual empowered to act on behalf of VISX, INCORPORATED, the assignee of the entire right, title and interest of the above-identified applications by virtue of an assignment from ACCULIGHT CORPORATION to VISX, INCORPORATED, a copy of which is attached and also being recorded in the Assignment branch of the USPTO.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1/30/02  
DATE

  
TIMOTHY MAIER

EXECUTIVE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER  
VISX, INCORPORATED

C:\Documents and Settings\Owner\Desktop\NEIFELD IP  
Law\clients\VISX\28600017\IRVisionPOA.doc

## ASSIGNMENT

Whereas ACCULIGHT CORPORATION, having an address at 11805 North Creek Parkway, Suite 113, Bothell, Washington, 98011 (hereinafter "ASSIGNOR"), owns the entire right, title, and interest to the inventions disclosed in the United States patent applications and patents listed in SCHEDULE A attached hereto and the PCT and foreign applications and patents listed in SCHEDULE B attached hereto by virtue of an assignment recorded in the assignment branch of the United States patent and Trademark office at reel 012124 frame 0454;

Whereas VISX, INCORPORATED, having an address at 3400 Central Expressway Santa Clara, CA 95051 (hereinafter "ASSIGNEE"), is desirous of acquiring the entire right, title and interest in and to said inventions and in and to any Letters Patent that may have been or will be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR, by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to said inventions in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof, and to any past damages due to infringement of any such right, title, or interest.

ASSIGNOR hereby authorizes and requests the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of the entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this Assignment and sale not been made.

Further, ASSIGNOR agrees that ASSIGNOR will communicate to said ASSIGNEE or its representatives any facts known to ASSIGNOR respecting said inventions, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

ASSIGNOR hereby grants the firm of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. of Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202 and Richard A. Neifeld the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

On behalf of ASSIGNOR:

DATE: 1-22-02

SIGNATURE:   
NAME: Gary Orr  
TITLE: CEO  
ACCULIGHT CORPORATION

On behalf of ASSIGNEE:

DATE: 1/29/02

SIGNATURE:   
NAME: TIMOTHY MAIER

TITLE: EXECUTIVE VICE PRESIDENT AND  
CHIEF FINANCIAL OFFICER  
VISX, INCORPORATED

## **SCHEDULE A - UNITED STATES PATENTS AND APPLICATION**

**08/549,385, filed 10/27/1995, now patent 5,782,822, issued 7/21/1998**

**08/816,097, filed 3/14/1997**

**08/854,565, filed 5/12/1997, now patent 6,090,102 issued 7/18/2000**

**08/969,128, filed 11/11/1997**

**09/001,976, filed 12/31/1997**

**09/172,437, filed 10/14/1998**

**09/307,988, filed 05/10/1999**

**09/554,371, filed May 11, 2000**

# **SCHEDULE B - PCT AND FOREIGN PATENTS AND APPLICATIONS**

**Title: METHOD AND APPARATUS FOR REMOVING CORNEAL TISSUE WITH INFRARED LASER RADIATION (Related to US 08/549,385, filed 10/27/1995, now PN 5,782,822)**

<b>Country</b>	<b>Filed</b>	<b>Serial No.</b>	<b>Issued</b>	<b>Patent No.</b>
Australia	10/18/1996	70288/96	05/25/2000	715641
Canada	09/17/1996	2,185,779		
China	10/25/1996	96122077.5		
European Pat	10/19/1996	96116823.4		
Israel	10/15/1996	119,429		
Japan	10/28/1996	8-302566/1996		
South Korea	10/22/1996	47323/96		
Australia	2/10/2000	715641		
Australia	2/17/2000	9963172		

**Title: SHORT PULSE MID-INFRARED PARAMETRIC GENERATOR FOR SURGERY (Related to US 08/816,097, filed 3/14/1997)**

<b>Country</b>	<b>Filed</b>	<b>Serial No.</b>	<b>Issued</b>	<b>Patent No.</b>
Australia	01/28/1998	60408/98		
Canada	01/28/1998	2,285,451		
European Pat	01/28/1998	98903709.8		
Israel	01/28/1998	131,885		
Japan	01/28/1998	540481/1998		
South Korea	09/14/1999	1999-7008367		
WIPO/PCT	01/28/1998	PCT/US98/01406		
China	06/28/2000	1998-804945		

**Title: SHORT PULSE MID-INFRARED LASER SOURCE FOR SURGERY (Related to US 08/845,565, filed 5/12/1997, issued 7/17/2000, now PN 6,090,102)**

<b>Country</b>	<b>Filed</b>	<b>Serial No.</b>	<b>Issued</b>	<b>Patent No.</b>
WIPO/PCT	01/28/1998	PCT/US98/01386		
Australia	01/28/1998	1998-59302		
Canada	01/28/1998	2,288,139		
European Patent	01/28/1998	98902709.9		
Japan	01/28/1998	549199/1998		
China				
Israel				
South Korea				

**Title: APPARATUS AND METHOD FOR TRACKING AND COMPENSATING FOR EYE MOVEMENTS** (Related to US 08/969,128, filed 11/11/1997, CIP of 08/549,385, filed 10/27/1995, now patent 5,782,822)

<u>Country</u>	<u>Filed</u>	<u>Serial No.</u>	<u>Issued</u>	<u>Patent No.</u>
Australia	12/07/1999	63172/99		
WIPO/PCT	11/10/1998	1998-US23980		
Canada				
China				
European Pat				
Israel				
Japan				
South Korea				

**Title: METHOD AND APPARATUS FOR REMOVING TISSUE WITH MID-INFRARED LASER RADIATION USING PHOTOSPALLATION TECHNIQUE** (Related to US 09/001,976, filed 12/09/1997)

<u>Country</u>	<u>Filed</u>	<u>Serial No.</u>	<u>Issued</u>	<u>Patent No.</u>
Australia	12/09/1999	63172/99		
WIPO/PCT	12/28/1998	PCT/US98/27682		
Canada				
China				
European Pat				
Israel				
Japan				
South Korea				

**Title: APPARATUS AND METHOD FOR PROJECTING A REFERENCE PATTERN INTO THE FIELD OF VIEW OF AN OPTICAL SYSTEM** (Related to US 09/172,437)

<u>Country</u>	<u>Filed</u>	<u>Serial No.</u>	<u>Issued</u>	<u>Patent No.</u>
WIPO/PCT	10/14/1999	PCT/US99/23851		
Australia	10/14/1999	2000-12036		

**Title: APPARATUS AND METHOD FOR TRACKING AND COMPENSATING FOR EYE MOVEMENTS** (Related to US 09/554,371, filed 5/11/2000)

<u>Country</u>	<u>Filed</u>	<u>Serial No.</u>	<u>Issued</u>	<u>Patent No.</u>
WIPO/PCT	11/10/1998	PCT/US98/23980		
Australia				
Canada				
China				
European Patent				
Israel				
Japan				
South Korea				